

# Identity

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The importance of your identity

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# Why your Identify matters in Law and to DEP and USEPA

- The DEP in coordination with US EPA requires you to prove your identity and be responsible for your actions. Your identity in the form of login id and password is how we assign responsibility in our Electronic Submission System (ESS).
- ESS allows the submission of some permit and license applications as well as some compliance data.

# Account Creation overview

- Creating an account is for an **individual** and is free in ESS however it does take some time.
- See the help link on the ESS page “Sign Up Guidance”
- When you sign up, you fill in a registration form with your name and work information.
- You will receive an email with **YOUR** username and temporary password. This username is only for **YOUR** use and not other people.
- If you own a company then you send a Security Authorization letter to be able to assign security for ESS to your employees and consultants. See ESS Security Guidance for more information.
- This process is all that is required for many applications and compliance data. However there are additional CROMERR requirements depending on the application type or compliance data type for people that submit data to DEP.



# Proving your identify for ESS -CROMERR

- CROMERR applies to National Pollutant Discharge Elimination System (NPDES) regulated operations and other areas including DAQ, AST/UST.
- According to EPA's CROMERR standard applicants are required to prove their identity.
- EPA uses a third party system, LexisNexis, to verify your identity.
- Lexis Nexis has collected information from many sources including utility bills, pay check subs, county property records, credit records and others.
- You are required to provide personal information to LexisNexis of home address, phone number and last 4 of your Social Security Number. This information is compared against LexisNexis data for a match to prove your identity.
- DEP does not collect or see the personal information sent to LexisNexis.
- If your attempt to prove your identity fails then try an pervious address.

## Conclusion

- Do not share your ESS account with other people.
- Doing so may be a violation of WV state law and other federal laws.

# Appendix – Applicable law

[WV Code §21-5H-1. Employer access to employee or potential employee personal accounts prohibited.](#)

“This” registration request involves reporting environmental information is subject to Title 40 CFR regulation of the U.S. Environmental Protection Agency, including 40 CFR Part 3 for the CROss-Media Electronic Reporting Rule (CROMERR). Under Title 40 CFR Part §3.2000 the CROMERR requires identity proofing based on a government identifier or “objects of independent origin, one not subject to change without government action” Ref.

<https://www.federalregister.gov/documents/2005/10/13/05-19601/cross-media-electronic-reporting>. Social Security Number is currently the only consistent form of government identifier service validation offered by the US Environmental Protection Agency.

Federal Information Security Management Act (Federal Public Law 107-347) requires that Federal agency information collection for moderately sensitive data validate identity and meet minimum requirements for identity assurance level as a condition for compliance with Federal Information Processing Standards (FIPS 200). Further guidance on assurance levels may be reviewed through [NIST SP 800-63A](#) (National Institute of Standards and Technology Special Publication) for meeting Identity Assurance Level 2, and above (IAL2).

Red Flags Rules Act – ref.

[https://www.ftc.gov/sites/default/files/documents/federal\\_register\\_notices/identity-theft-red-flags-and-address-discrepancies-under-fair-and-accurate-credit-transactions-act/071109redflags.pdf](https://www.ftc.gov/sites/default/files/documents/federal_register_notices/identity-theft-red-flags-and-address-discrepancies-under-fair-and-accurate-credit-transactions-act/071109redflags.pdf)

. The approved CROMERR Checklist for shared services relies on LexisNexis® and is designed to validate the SSA’s Death Master File as a required risk indicator.

Ref. 10.b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration’s Death Master File.